

“(I) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in clause (iii), plus any amount previously calculated under clauses (i)(II) and (ii) for that year.

“(II) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of highway receipts in clause (iii) for that year.

“(III) OMB shall—

“(aa) take the sum of the amounts calculated under subclauses (I) and (II) and add that amount to the obligation limitation set forth in section 8103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the highway category for the budget year, and calculate the outlay change resulting from that change in obligations relative to that amount for the budget year and each outyear using current estimates; and

“(bb) after making the calculation under item (aa), adjust the obligation limitation set forth in section 8103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the budget year by adding the amount calculated under subclauses (I) and (II).”;

(2) by striking clause (ii) and inserting the following:

“(i) When the President submits the supplementary budget estimates for each of fiscal years 2006 through 2009 under section 1106 of title 31, United States Code, OMB’s Mid-Session Review shall include adjustments to the obligation limitation and outlay limit for the highway category for the budget year and each outyear as follows:

“(I) OMB shall take the most recent estimate of highway receipts for the current year (based on OMB’s Mid-Session Review) and subtract the estimated level of highway receipts in clause (iii) plus any amount previously calculated and included in the President’s Budget under clause (i)(II) for that year.

“(II) OMB shall—

“(aa) take the amount calculated under subclause (I) and add that amount to the amount of obligations set forth in section 8103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the highway category for the budget year, and calculate the outlay change resulting from that change in obligations relative to that amount for the budget year and each outyear using current estimates; and

“(bb) after making the calculation under item (aa), adjust the amount of obligations set forth in section 8103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the budget year by adding the amount calculated under subclause (I).”;

(3) by adding at the end the following:

“(iii) The estimated level of highway receipts for the purpose of this subparagraph are—

“(I) for fiscal year 2005, \$34,163,000,000;

“(II) for fiscal year 2006, \$36,972,000,000;

“(III) for fiscal year 2007, \$38,241,000,000;

“(IV) for fiscal year 2008, \$39,432,000,000; and

“(V) for fiscal year 2009, \$40,557,000,000.

“(iv) In this subparagraph, the term “highway receipts” means the governmental receipts and interest credited to the highway account of the Highway Trust Fund.”.

(C) CONTINUATION OF SEPARATE SPENDING CATEGORIES.—For the purpose of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), the discretionary spending limits for the highway category and the mass transit category shall be—

(1) for fiscal year 2005—

(A) \$33,657,000,000 for the highway category; and

(B) \$6,844,000,000 for the mass transit category;

(2) for fiscal year 2006—

(A) \$37,086,000,000 for the highway category; and

(B) \$5,989,000,000 for the mass transit category;

(3) for fiscal year 2007—

(A) \$40,192,000,000 for the highway category; and

(B) \$7,493,000,000 for the mass transit category;

(4) for fiscal year 2008—

(A) \$41,831,000,000 for the highway category; and

(B) \$8,479,000,000 for the mass transit category; and

(5) for fiscal year 2009—

(A) \$42,883,000,000 for the highway category; and

(B) \$9,131,000,000 for the mass transit category.

(d) ADDITIONAL ADJUSTMENTS.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(1)) is amended—

(1) in subparagraph (C)—

(A) in clause (i), by striking “fiscal years 2000, 2001, 2002, or 2003,” and inserting “each of fiscal years 2006, 2007, 2008, and 2009.”; and

(B) in clause (ii), by striking “2002 and 2003” and inserting “2008 and 2009”; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) by striking “1999” and inserting “2005”; and

(ii) by striking “2000 through 2003” and inserting “2006 through 2009”; and

(iii) by striking “section 8103 of the Transportation Equity Act for the 21st Century” and inserting “section 6102 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005”; and

(B) in clause (ii), by striking “2000, 2001, 2002, or 2003” and inserting “2006, 2007, 2008, and 2009”.

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purpose of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), the level of obligation limitations for the highway category is—

(1) for fiscal year 2005, \$35,154,000,000;

(2) for fiscal year 2006, \$40,110,000,000;

(3) for fiscal year 2007, \$40,564,000,000;

(4) for fiscal year 2008, \$42,544,000,000; and

(5) for fiscal year 2009, \$43,281,000,000.

(b) MASS TRANSIT CATEGORY.—For the purpose of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), the level of obligation limitations for the mass transit category is—

(1) for fiscal year 2005, \$7,609,000,000;

(2) for fiscal year 2006, \$8,902,000,000;

(3) for fiscal year 2007, \$9,367,000,000;

(4) for fiscal year 2008, \$10,171,000,000; and

(5) for fiscal year 2009, \$10,502,000,000.

For the purpose of this subsection, the term “obligation limitations” means the sum of budget authority and obligation limitations.

PRIVILEGE OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent that Susan Kirinich, a detailee of the Senate Committee on Commerce Science and Transportation from the National Highway Traffic Safety Administration be granted the privilege of the floor for the duration of the consideration of H.R. 3.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following

fellows and interns of the Democratic staff of the Finance Committee be allowed on the Senate Floor for the duration of the debate on the Transportation Reauthorization Bill.

Brian Townsend,

Cuong Huynh,

Richard Litsey,

Jorlie Cruz,

Waylon Mathern,

Emily Meeker,

Rob Grayson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 975

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 975) to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with a biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to proceeding further.

The PRESIDING OFFICER. Objection is heard, and the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 981

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 981) to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Mr. DURBIN. Mr. President, it is with some measure of frustration that I rise to again introduce the Reservist Pay Security Act. This bill allows members of the National Guard and Reserve who are Federal employees to

maintain their normal salary when called to active duty by having Federal agencies make up the difference between their military pay and what they would have earned at their Federal civilian job.

This is not a radical concept. Many of the major employers in America offer a similar benefit for their employees in the Guard and Reserve who are mobilized and, due to lower military pay, suffer a loss of income. Companies such as Ford, General Motors, IBM, 3M and, in my own State of Illinois, Sears, as well as the Illinois State government and that of 23 other States provide this same exact security for their workers.

Why do they do this? For two reasons: First, These employers are patriotic members of American society who want to step up and do their part for the country while it is engaged in a war. Second, they want to send a clear message to their employees that they are valued where they work and that the organization is looking forward to their return. The Department of Defense operates a highly respected program known as Employer Support for the Guard and Reserve, or ESGR, which pays tribute to more than 900 such patriotic employers.

It is nothing less than shameful that the largest employer in America, the United States Federal Government, is not on that list because we do not provide a similar benefit for our employees in the Guard and Reserve.

I must note, however, that my colleagues in the Senate have generally recognized this and have joined me to correct this situation by passing the Reservist Pay Security Act. In October 2003, the Senate approved, by a vote of 96 to 3, my amendment to S. 1689, the supplemental appropriations for 2004. In June of 2004, it was agreed to by a voice vote as an amendment to S. 2400, the National Defense Authorization Act for 2005. Most recently, on April 13, the Senate passed this needed measure as an amendment to the supplemental appropriations bill for 2005. That was the third time this measure has passed the Senate. In each of those instances, this measure has been dropped in conference with our colleagues in the House of Representatives. It is unfortunate that some of our colleagues fail to appreciate the need to pass this bill.

The Senate knows this is important. The Reserve Officers Association knows that it is important. The National Guard Association of the United States knows that it is important. The Enlisted Association of the National Guard of the United States knows that it is important. And I can assure you that we in the Senate will not give up on this matter.

Today I introduce this measure with my colleagues, Senators MIKULSKI, ALLEN, LANDRIEU, LEAHY, LAUTENBERG, KERRY, SARBANES, and BINGAMAN. This bill is identical to the Reservist pay amendment to the supplemental with the exception that this measure pro-

vides a mechanism for possible retroactive payments for those who have served since October 11, 2002.

Of the nearly 1.2 million members of the National Guard and Reserves, some 120,000—approximately 10 percent—are also Federal employees. As of January 2005, more than 43,000 Federal employees had been activated since September 11, 2001. More than 17,000 are currently on active duty.

Income loss hurts Reserve component retention. Of the top 10 reasons cited for leaving the National Guard/Reserve, income loss was No. 4, trailing only family burden, deployment frequency and deployment length.

This measure has not been scored by CBO. Funds would likely come from existing appropriations. In addition to my own State of Illinois, 23 other State governments have similar salary continuation laws for State employees: Alabama, Alaska, California, Connecticut, Delaware, Florida, Kansas, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, and Wyoming. Most of these States report that this has required no additional appropriations. The differential was paid from funds already appropriated for government employee pay. With the exception of any retroactive payments, that would be true of our measure as well.

Reservists bring to military service their civilian professional skills and provide their civilian employers with the expertise and experience they have gained in the Armed Forces. This adds value to America.

Last year, the Senate Governmental Affairs Committee saw the value of supporting our citizen soldiers and reported this measure to the floor, but it did not see action as a free-standing bill before the Congress adjourned. I hope we can make it as a freestanding bill or as an amendment on some other legislation this year.

Our bottom line is simply this: Federal employees should not lose income when mobilized for extended duty in the National Guard and Reserve. Major American employers already protect their workers from such loss. It is time for the Federal Government to support our troops by doing the same.

Mr. MCCONNELL. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard, and the bill will be read for the second time on the next legislative day.

NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 115.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 115) designating May 2005 as "National Cystic Fibrosis Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 115) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 115

Whereas cystic fibrosis, characterized by chronic lung infections and digestive disorders, is a fatal lung disease;

Whereas cystic fibrosis is 1 of the most common genetic diseases in the United States and 1 for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene and individuals must have 2 copies to have the disease;

Whereas 1 of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas newborn screening for cystic fibrosis has been implemented by 12 States and facilitates early diagnosis and treatment which improves health and longevity;

Whereas the Centers for Disease Control and Prevention and the Cystic Fibrosis Foundation recommend that all States consider newborn screening for cystic fibrosis;

Whereas approximately 30,000 people in the United States have cystic fibrosis, many of them children;

Whereas the average life expectancy of an individual with cystic fibrosis is in the mid-thirties, an improvement from a life expectancy of 10 years in the 1960s, but still unacceptably short;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation;

Whereas the Cystic Fibrosis Foundation marks its 50th year in 2005, continues to fund a research pipeline for more than 2 dozen potential therapies, and funds a nationwide network of care centers that extend the length and the quality of life for people with cystic fibrosis, but lives continue to be lost to this disease every day; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2005 as "National Cystic Fibrosis Awareness Month";

(2) calls on the people of the United States to promote awareness of cystic fibrosis and actively participate in support of research to control or cure cystic fibrosis, by observing the month with appropriate ceremonies and activities; and